

City of Durant City Council  
Meeting Minutes 10/14/2024

Mayor Scott Spengler called meeting to order at 6:00p.m. Roll call of members present: Quiram, Sterner, Mundt, Daufeldt, and Ostofi. Consent agenda: Member Sterner motioned, seconded by Member Quiram to approve the agenda, bills and minutes. Ayes: Ostofi, Daufeldt, Mundt, Sterner, Quiram Nays: None Motion carried. Public Input: None

Engineer's Report: Consider awarding bids, and contract for Feldhahn Stormwater project: MSA Engineer Scott Duckett reported the lowest bid was Triple B Construction at \$588,565.50. and recommendation was to approve this contractor. Member Sterner motioned, seconded by Member Ostofi, to approve Triple B Construction for the project at the bid amount of \$588,565.50. Ayes: Quiram, Sterner, Mundt, Daufeldt, Ostofi Nays: None Motion carried.

Consider professional service agreement with MSA Professional Services to proceed with Feldhahn Storm Water Management Pond. Scott Duckett explained the service contract for \$140,000 was estimated high because it is an IDALS project and they do require inspection reports at different phases of the project. In the spring he anticipates the inspections to slow up due to seeding and plantings would be the final phase. Member Mundt motioned, seconded by Member Daufeldt, to approve the service agreement with MSA for the Feldhahn project. Ayes:

Daufeldt, Ostofi, Quiram, Sterner, Mundt Nays: None Motion carried.

Update on curb repair 800 block of 5<sup>th</sup> St by St. David's Church: Curb and gutter have been completed last week. HMA contractor should be on sight on Thursday this week. Sidewalk will be poured by the owner's contractor.

Public Works Report: Consider Res. 2024-64 approval of pay increase for Water Treatment Level II certification for Preston Paarman: Member Mundt motioned, seconded by Member Sterner, to approve Resolution 2024-64 for wage increase from \$30.64 per hour to \$30.98 per hour. Ayes: Quiram, Ostofi, Daufeldt, Mundt, Sterner Nays: None Motion carried.

Police Report: Consider approval of monthly police report: Member Quiram motioned, seconded by Member Mundt, to approve the monthly police report. Ayes: Ostofi, Daufeldt, Mundt, Sterner, Quiram Nays: None Motion carried.

Community/Economic Dev. Report: Consider Housing grant and award notification-need 2 more city officials for required training. Dir. Smith reported the city was awarded the full grant at \$20,000; there is training that is needed to be attended by several city officials October 22 via Zoom from 10AM to Noon. Report: Dallas Feuerbach has contacted the city with 18 native Iowa tree saplings that can be planted at Feldhahn project. Cedar County Conservation has agreed to house the saplings until spring. The conservation group and Dallas have offered to also help plant the trees. Dir. Smith has been working with local FFA groups that can start the plugs (plants) for the project as well, and that will save on purchasing costs. Bookings at the center have been coming in for 2025 & 2026. Anyone looking at 2025 for a booking should be calling the center now as dates are filling up.

Consider approval of pre-grant application for Feldhahn Parking lot True Grid product. Dir. Smith met with the park board to discuss the option for the parking lot project. This project would qualify as water quality and the IDALS 50/50 grant. The pre-grant is due soon. If that is accepted then she can apply for the grant. Member Quiram motioned, seconded by Member Sterner, to approve the pre-grant application for the parking lot project. Ayes: Daufeldt, Ostofi, Quiram, Sterner, Mundt Nays: None Motion carried.

City Clerk's report: Consider Res. 2024-65 approving the TIF payments as certified for FY 2025 for Schumacher Co LLC : This resolution authorizes the certified payments be made to Schumacher Co LLC for TIF rebate agreement in the amount of \$25,126 split into two payments; October of 2024, and April of 2025. Member Sterner motioned, seconded by Member Daufeldt to approve Res. 2024-65 authorizing the TIF payments for FY 2025. Ayes: Quiram, Ostofi, Daufeldt, Mundt, Sterner Nays: None Motion carried.

Consider Res. 2024-66 certifying funds from the Urban Renewal Tax Revenue fund for payment of annual appropriations tax increment financed obligations in Fiscal year 2026: This resolution certifies the rebate debt for TIF for FY 2026 for Schumacher Co. LLC. This will be year 7 of 10 for the agreement.

The certified amount will be \$25,223.00 payable in two payments in FY 2026. Member Mundt motioned, seconded by Member Daufeldt, to approve Res. 2024-66 certifying the rebate payments for FY 2026. Ayes: Ostofi, Quiram, Sterner, Mundt, Daufeldt, Nays: None Motion carried. Clerk will be attending training at IMFOA this week.

Mayor/Council Report: Consider 2<sup>nd</sup> reading of Ord 2024-05 pedestrian: Member Sterner motioned, seconded by Member Ostofi to waive 2<sup>nd</sup> reading and approve 3<sup>rd</sup> reading of Amendment 2024-05 adding the state code change: *“Pedestrian conveyance” means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle.* Ayes: Daufeldt, Mundt, Sterner, Quiram, Ostofi Nays: None Motion carried.

Consider 2<sup>nd</sup> reading of Ord 2024-06 sidewalk liability: Member Sterner motioned, seconded by Member Quiram, to waive the 2<sup>nd</sup> reading and approve the third reading of Ordinance amendment 2024-06; as follows per Iowa Supreme court ruling: *136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes.* Ayes: Daufeldt, Ostofi, Mundt, Sterner, Quiram Nays: None Motion carried.

Consider 2<sup>nd</sup> reading of Ord 2024-07 parking: Member Sterner motioned, seconded by Member Daufeldt to waive the second reading and approve the third reading for adopting the no parking on 6<sup>th</sup> Avenue between 7<sup>th</sup> St. and 8<sup>th</sup> St; between private driveway of 602 7<sup>th</sup> St. and alley entrance east side of 6<sup>th</sup> Ave to allow buses ample turning space into school alley. Ayes: Quiram, Sterner, Mundt, Daufeldt, Ostofi Nays: None Motion carried.

Consider Durant Ambulance Service options for continued service under the city or transitioning to first responders and non-transport service: Council Member Dan Sterner, also Chairman of the Board for the Durant Ambulance Service, explained the ambulance service has to figure out where to go in the future as a service. They responded to 525 calls last year with a crew of only 15 people. There are 5 paramedics and 4 EMTs, of the 15. The ambulance service met and decided it was time to engage the city as they move forward and discuss their options. Since they advertised the issues on Facebook, they received six requests for applications but those applications have not been returned or approved. He explained the service wants to be transparent with the city and the citizens about the ambulance service. Clerk inquired about the County Wide EMS Service- Sterner explained the county will be hiring a director in November 2024, with the intention of the service being ready 7/1/2025; however, there was also discussion it may not be ready until 7/1/2026. Since the elections last November, the county EMS was made into an essential service and taxes levied on everyone in Cedar County to pay for that service, No tax dollars of that levy goes to any other ambulance service in the county. It all goes to the county system. The Durant Ambulance Service contracts end June 30, 2025. At that point the ambulance service can move to first responders system where there is no transport by Durant Ambulance service. Mayor Spengler stated the problem is still the need for volunteers even if the city takes over the service. Discussion followed concerning Medic operates a system of paid volunteers and still has trouble finding people. Sterner explained the service needs to figure out the next steps; if the city would be interested and at what level. Discussion followed with Wilton Police Chief Dave Clark, explaining how the Wilton Ambulance Service operates and how the city handles the funding and employees. Durant Ambulance Member Kim Lopez stated in the past employers would allow their employees to respond to ambulance calls during the day, but that is no longer being supported. Volunteers want to be paid like a job. Long time member of the Durant Ambulance Service Dennis Frisch spoke about how 50 years ago when the service was started, no one was paid, and employers supported employees taking calls. He added COVID caused a decrease in numbers for the service as well we currently there are three people on medical leave, for back and shoulder injuries. He further stated you can throw all the money in the world at this, and without people,

it will not run. After much discussion, it was determined a committee should be formed with ambulance members, council members, and community members to determine the options and study the funding and costs. Clerk will check with Columbus Junction Iowa service as they have just undergone a similar change with the City of Columbus Junction. Clerk was directed to check with the city attorney for any requirements for resolution for formation of a combined committee.  
 With no other business before council, meeting was adjourned at 7:10p.m.

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 Scott Spengler, Mayor

ATTEST:

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 Deana Cavin, City Operations Officer/Clerk

City of Durant	Claims List 10-14-24	
Vendor Name		
Advanced Business Systems *	Copier maint & copies 1 mth	98.33
Advocate News	Ch publishing	374.92
Alliant Energy *	Scott Co electric-wa tower, lift station, st lights	112.50
Altorfer Inc	Backhoe glass rh	371.47
Amazon Capital Services *	Misc supplies	1058.04
American Legion Emblem Sales	Flags-American (5)	130.90
Bi-State Regional Commission	Member dues 10/1/24 to 12/31/24	283.75
Bosch Pest Control Inc	Pest control-city offices	100.00
Central States H & W Funds *	Health & life insurance	20,256.00
City of Durant	Water	4582.17
Culligan-Quad Cities *	Distilled water	51.95
Durant Community Schools	CC deposit refund	350.00
Durant Municipal Electric	Electric	6312.14
EFTPS *	Fed/FICA tax	14,002.95
Environmental Res Associates	Wwtp testing	405.35
Ervin's	Repair walk-in cooler & replace cc southwest ac unit	8909.72
Hawkins Inc *	Wa chemicals	292.00
Hi-Line Inc	Shop supplies	188.15
Hoekstra Masonry	Labor & material to patch hwy	1450.00
Images in Ink	Leaf collection flyers	818.36
Imhoff, Tim	Cc deposit refund	350.00
Iowa Assoc of Municipal Utilities	Qtrly safety training Oct-Dec	393.00
Iowa Dept of Inspections & Appeals	Cc-renewal of food license for bar	150.00

Iowa Dept of Natural Resources	Annual wa use fee fy2025	115.00
Iowa Interstate RR LLC	Norfolk Dr sign/maint/elec	225.76
Iowa League of Cities	Virtual budget workshop	50.00
IPERS *	IPERS	14,448.04
Jeff's Market	Cc bar supplies & liquor	159.24
John Deere Financial *	Parks-mower blades	84.99
Liberty Trust & Savings Bank *	ACH & wire fees	77.48
Lori's Cleaning Service *	Cleaning services city offices	170.00
Mediacom	PD-static ip	17.17
Metering & Technology Solutions	Water meters (6)	1,447.88
MidAmerican Energy	Natural gas	158.53
MSA Professional Services Inc	Eng fees-GIS lead service line & St David curb design	7,940.00
NCL of Wisconsin Inc	Wwtp-heating mantle	879.04
Oveson Refuse & Recycling LLC *	Oct gb service & stickers	14,020.00
Paarman, Preston *	Reimb meals for wa class	70.08
Panther Uniforms	Uniform expense-Utter	284.70
Paper's Lumber & Supply Inc	Misc supplies	69.73
Postmaster *	Wa billing postage-stamps & rolls of stamps (2)	482.00
Reynolds, Greg	Cc deposit refund	250.00
River Cities Engineering *	Wwtp engineering	462.00
RiverStone Group Inc	Roads-screenings (66.30 ton)	165.77
Ron Alpen Ford Inc	Pd F150 rplc seatbelt & wire	967.63
Semsch, Jared	Reimb for boots	190.98
Smith, Dawn	Reimb for mums cc beer garden	30.00
Spengler Auto Repair	Pd 2016 tahoe oil change	74.00
State Hygienic Laboratory	Wa & wwtp testing	210.00
The Tranzonic Companies-CCP	Misc supplies	381.71
Toyne Inc	Fire-drain valve	230.09
TPC-Performance Food Service	Cc supplies	260.80
Treasurer of Iowa-IA-WH *	State taxes	3,542.92
Treasurer State of Iowa *	Sales & WET tax	2,010.81
Tri County Builders	Move feldhahn shed & concrete pad	10,950.00
Triple B Construction	Sewer main repair 5th St	5,123.00
UMB Bank N.A.	GO 2023 bond fee 9th ave storm wa	600.00
US Postal Service	Personalized stamped envelopes	1,268.55
Utility Equipment Co	Wa supplies	1,815.07
Verizon *	Telephones, internet, cells, gis	779.70
VISA *	Misc supplies	630.95
WEX *	Fuel	971.21
Payroll	9-26-24 & 10-10-24	44,626.40
TOTAL		177,282.93

* Denotes paid early due to invoice due date		
Fund Totals		
General	113,967.41	
Road UseTax	9,576.84	
Employee Benefits	348.36	
Fire Department	1,293.13	
Debt	600.00	
Water	21,778.12	
Sewer	29,719.07	
Total	177,282.93	
September 2024 Revenues		
General	151,762.69	
J Gehrls Gift	7,237.51	
Road Use Tax	29,723.16	
Employee Benefits	13,289.36	
Lost Ced Co 75%	12,661.82	
Tax Increment Financing	974.28	
Fire Department	1543.00	
Debt Services	25,550.61	
Water	99,303.22	
Water Rev Bond Sinking	13,499.67	
Sewer	64,791.39	
Sewer Rev Bond Sinking	29,997.50	
Storm Water	915.32	
TOTAL	451,249.53	

ORDINANCE NO. 2024-05: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANT, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDESTRIANS' RIGHT-OF-WAY

Be It Enacted by the City Council of the City of Durant, Iowa:

SECTION 1. SECTION MODIFIED. Section 60.02 of the Code of Ordinances of the City of Durant, Iowa, is repealed and the following adopted in lieu thereof:60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are hereby adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:1.“Business District” means all areas zoned commercial, light industrial, and heavy industrial. Business District also means the territory contiguous to and including the following designated streets:West 1<sup>st</sup> Avenue through 14<sup>th</sup> Avenue on 5<sup>th</sup> Street; 200 feet to the north or to alley from middle of 5<sup>th</sup> Street and 135 feet to the south from middle of 5<sup>th</sup> Street.2.“MPH” means miles per hour.3. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.4.“Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.5.“Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.6.“Pedestrian” means a person afoot or a person using a pedestrian conveyance.(Code of Iowa, Sec. 321.1(51))7.“Pedestrian conveyance” means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used

to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle.(Code of Iowa, Sec. 321.1(51A))8.“Residential districts” means all areas of the City not included in business districts.9.“School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.(Code of Iowa, Sec. 321.1(70))10.“Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.11.“Stop” means when required, the complete cessation of movement.12.“Stop”or“stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.13.“Suburban district” means all other parts of the City not included in the business, school, or residence districts.(Code of Iowa, Sec. 321.1(78))14. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic. 15.“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include: A.Any device moved by human power, including a low-speed electric bicycle.B.Any device used exclusively upon stationary rails or tracks.C.Any personal delivery device operated pursuant to Chapter 321O of the *Code of Iowa*.D Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property, but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.E. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.(Code of Iowa, Sec. 321.1(90))SECTION 2. SECTION MODIFIED. Section 65.10 of the Code of Ordinances of the City of Durant, Iowa, is repealed and the following adopted in lieu thereof:65.10 PEDESTRIANS’ RIGHT-OF-WAY. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection. (*Code of Iowa, Sec. 321.327*)SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law. Passed by the Council on the 14<sup>th</sup> day of October, 2024, and approved this 14<sup>th</sup> day of October, 2024.

Scott Spengler, Mayor  
Deana Cavin, City Operations Officer/Clerk  
First Reading: 09/23/2024  
Second Reading: Waived  
Third Reading: 10/14/2024

ORDINANCE NO. 2024-06:AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANT, IOWA, BY AMENDING PROVISIONS PERTAINING TO SIDEWALK LIABILITY

Be It Enacted by the City Council of the City of Durant, Iowa:SECTION 1. SECTION MODIFIED. Section 136.04 of the Code of Ordinances of the City of Durant, Iowa, is repealed and the following adopted in lieu thereof:136.04PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. (*Code of Iowa, Sec. 364.12(2)(c)*)SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law. Passed by the Council on the 14<sup>th</sup> day of October, 2024, and approved this 14<sup>th</sup> day of October, 2024.

Scott Spengler, Mayor  
Deana Cavin, City Operations Officer/Clerk  
First Reading: 09/23/2024  
Second Reading: Waived  
Third Reading: 10/14/2024

ORDINANCE NO. 2024-07:AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANT, IOWA, BY AMENDING PROVISIONS PERTAINING TO PROHIBITED PARKING

Be It Enacted by the City Council of the City of Durant, Iowa: SECTION 1. SECTION MODIFIED. Section 69.06 of the Code of Ordinances of the City of Durant, Iowa, is repealed and the following adopted in lieu thereof:24.) Parking Prohibited between the hours of 7:30 a.m. to 4:00p.m. school days, from August 15<sup>th</sup> through June 5<sup>th</sup> at: east side of 6<sup>th</sup> Avenue between 7<sup>th</sup> Street and 8<sup>th</sup> Street, between private driveway of 602 7<sup>th</sup> St. and alley entrance/exit. (approximately 25 ft.).SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law. Passed by the Council on the 14th day of October, 2024, and approved this 14th day of October, 2024.

Scott Spengler, Mayor

ATTEST:

Deana Cavin, City Operations Officer/Clerk

First Reading: 09/23/2024

Second Reading: Waived

Third Reading: 10/14/2024